

**APPROVED 9-20-12**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, August 16, 2012 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:30 PM.

**MEMBERS PRESENT:**

Robert F. Hannon, Chairman  
Caren M. Genovese, Vice Chairman  
Donald F. Clark, Secretary  
Joseph A. Cappucci  
Joseph P. Villano  
William D. O'Hare, Alternate  
Jacob M. Piekarski, Alternate

**MEMBERS ABSENT:**

Mary Jane Mulligan, Alternate

**TOWN PERSONNEL:**

Alan A. Fredricksen, Land Use Administrator

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 7:32 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. Then, he explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur.

**A2-SURVEY WAIVER:**

Mr. Clark read the call for the A2-Survey Waiver.

1. A2W-12-02      Application of Emily Taylor, Owner, Tammy Segal, Applicant, relative to 70 Round Hill Road, (Map 50, Lot 148), seeking a waiver of the A2 survey application requirement.

The applicant was not in attendance at this meeting; therefore, this application has been postponed to the September 20, 2012 meeting.

## **PUBLIC HEARING:**

Mr. Clark read the call for the first Public Hearing.

1. #12-16      Application of Giovanni Scalmani and Laura Villa, Owners and Applicants, relative to 81 Buell Street, (Map 41, Lot 181), per Section 2.1.1.9, requesting a side yard variance of 5' to allow a side yard setback of 5' where 10' is required, and requesting an aggregate side yard setback variance of 5.5' to permit an aggregate side yard of 19.5' where 25' is required. R-12 Zoning District.

Mr. Giovanni Scalmani, applicant, presented the application to permit increasing the size of an existing addition for additional living space. He submitted photographs of his property, Exhibits, A, B and C. Then, Mr. Clark read into the record a letter from Joanne Mielczarski, 75 Buell Street, dated June 17, 2012, in opposition to the application. The Board asked questions and Mr. Scalmani responded.

There being no public comment, the Public Hearing was closed.

Mr. Clark read the call for the second Public Hearing.

2. #12-17      Application of Universal Donuts, Inc., Applicant, and Jennie Aiardo and PEA Holdings, LLC, Owner, relative to 7 and 11 Montowese Avenue, (Map 16, Lots 79 and 6), per Section 5.1.2, requesting a front yard variance of 40' to allow a 35' front yard setback where 75' is required, and per Section 8.7.8.2(1), requesting a variance of 15' to permit a residential property line setback of 35' where 50' is required, and per Section 8.7.8.2(2), requesting a variance of 15' to permit a 15' buffer strip adjacent to a residential zoning district where 30' is required. IL-30 Zoning District.

Attorney John Parese, representing the applicant, presented the application for a Dunkin Donuts to be located on a more conforming parcel that will be created by merging two non-conforming lots, 7 and 11 Montowese Avenue. The Board asked questions and Mr. Randy Reinhard of Dunkin Donuts, Attorney Parese and Mr. Barry Steinberg, P.E. responded. Mr. Reinhard stated that the drive-through is proposed to be in operation 24 hours a day. Then, Mr. Steinberg submitted photographs of 11 Montowese Avenue, Exhibit A.

Mr. Hannon asked for public comment.

Public comment:

1. Richard Grenfell, 365 Quinpiac Avenue, spoke in opposition to the application. He doesn't feel we need another Dunkin Donuts in North Haven.
2. Rhonda Kevalas, 61 Clark Avenue, spoke in opposition to the application. She would like to see Phil's Garden Center remain on this site. She submitted a petition, Exhibit, 1. Then, she read letters, in opposition to the application, from Brian DeLucia, 112 Culver Lane and from Robert Nappe, 20 Eaton Street, Exhibits 2 and 3.

3. Dawn Savenelli, 21 Montowese Avenue, asked that this application be denied. She would like to see Phil's Garden Center remain at this site. She feels having a Dunkin Donuts at this site will make this area even more congested and unsafe. Then she submitted photographs depicting traffic congestion near the site, Exhibit 4.
4. Tom Muir, 23 Clark Avenue, has safety concerns with increased traffic and exhaust fumes. He asked that this application be denied.
5. Frank Ricciuti, 18 Moulthrop Street, feels that this site will be a target for robberies due to the easy highway access. He also has safety concerns regarding the State traffic light that turns off at 10:00 p.m.. For these reasons he asked that the application be denied.
6. Diane King, 15 Cottontail Lane, has safety concerns with the State traffic light that turns off at 10:00 p.m..
7. Jim Shea, 9 Stanton Road, owns property near the proposed Dunkin Donuts site and stated that there are no sidewalks and the road is too narrow for this area.
8. Carlos Martins, 56 Clark Avenue, has traffic concerns.
9. Janet DeCusanti, 22 Carolyn Court, spoke in opposition to the application. She feels that property values in this area will be impacted and that Dunkin Donuts should consider looking at other areas of town.
10. George Kevalas, 61 Clark Avenue, has traffic concerns.
11. Susan Lepre, 245 Quinnipiac Avenue, has traffic concerns and asked if a traffic study will be conducted.
12. Richard Searles, 7 Virginia Road, asked how many Dunkin Donuts are there already in town.
13. Rich Simeone, 16 Moulthrop Street, has traffic and safety concerns.
14. Kelsey Searles, 7 Virginia Road, asked how many Dunkin Donuts are there already in town.
15. Siro Longobardi has concerns with the proposed buffer and increased traffic.
16. Patrick Chasse, 60 Village Street, would like the two lots to remain separated.

Mr. Steinberg and Attorney Parese addressed the public comment.

There being no further public comment, the Public Hearing was closed.

Mr. Clark read the call for the third Public Hearing.

3. #12-18      Application of Elisa Katz, Applicant, Northside Plaza, LLC, Owner, relative to 510 Washington Avenue, (Map 95, Lot 7), per Section 4.4.1.12, requesting a variance of 2 feet to allow the keeping of dogs in a building located 48 feet from a lot line, where 50 feet is required. CB-40 Zoning District.

Ms. Elisa Katz, applicant, presented the application for a variance of 2 feet to allow the keeping of dogs in a building located 48 feet from a lot line, where 50 feet is required for a veterinary hospital. The hours of operation will be Monday through Friday from 8:00 a.m. to 8:00 p.m. and Saturday from 8:00 a.m. to 4:00 p.m.. The Board asked questions and Ms. Katz responded.

Mr. Hannon asked for public comment.

Public comment:

1. Jennifer Bates, 10 Tennyson Avenue, spoke in favor of the application.

There being no further public comment, the Public Hearing was closed.

Mr. Clark read the call for the fourth Public Hearing.

4. #12-19      Application of Quinnipiac University, Owner and Applicant, relative to 370 Bassett Road, (Map 91, Lot 22), per Section 3.1.1.4, requesting a sign variance to allow two one-sided signs of 37 square feet each, where one double sided sign of no more than twelve square feet is allowed. LO Zoning District.

Attorney Bernard Pellegrino, Jr. of the Pellegrino Law Firm presented the application to permit two one-sided signs of 37 square feet each, where one double-sided sign of no more than twelve square feet is allowed. The Board asked questions and Attorney Pellegrino responded.

Mr. Hannon asked for public comment.

There being no public comment, the Public Hearing was closed.

#### **DELIBERATION SESSION:**

#### **A2-SURVEY WAIVER:**

1. A2W-12-02    Application of Emily Taylor, Owner, Tammy Segal, Applicant, relative to 70 Round Hill Road.

Mrs. Genovese moved to postpone the application to the September 20, 2012 meeting; Mr. Clark seconded the motion. The Commission voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Villano – aye

#### **PUBLIC HEARINGS:**

1. #12-16      Application of Giovanni Scalmani and Laura Villa, Owners and Applicants, relative to 81 Buell Street.

Mrs. Genovese moved to approve the application; Mr. Cappucci seconded the motion. The Commission voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Villano – aye

In approving the application, the Board stated the following:

1. The request is modest.
2. The addition conforms with the neighborhood.
3. The location of the addition is limited due to the existing pool, basement doors and patio.

2. #12-17      Application of Universal Donuts, Inc., Applicant, and Jennie Aiardo and PEA Holdings, LLC, Owner, relative to 7 and 11 Montowese Avenue.

Mrs. Genovese moved to approve the application for the purpose of discussion; Mr. Clark seconded the motion. The Commission voted as follows:

Hannon – nay Genovese – nay Clark – nay Cappucci – nay Villano – nay

In denying the application, the Board stated the following:

1. The variance requests are excessive.
2. No hardship was found.
3. Residents expressed their concerns for the health, safety and well-being of their neighborhood.

3. #12-18      Application of Elisa Katz, Applicant, Northside Plaza, LLC, Owner, relative to 510 Washington Avenue.

Mr. Clark moved to approve the application; Mr. Cappucci seconded the motion. The Commission voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Villano – aye

In approving the application, the Board stated the following:

1. The request is reasonable.
2. The boarding of dogs, as a stand alone service, is not permitted.

4. #12-19      Application of Quinipiac University, Owner and Applicant, relative to 370 Bassett Road.

Mr. Cappucci moved to approve the application; Mr. Villano seconded the motion. The Commission voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Villano – aye

In approving the application, the Board stated the following:

1. The variance request was approved for safety concerns.

**OTHER:** None

#### **CEASE AND DESIST ORDERS:**

Mr. Alan Fredricksen, Land Use Administrator, outlined current zoning violations with the Board.

- 53 Susan Lane – Keeping of animals (rabbit) without having the two acre minimum zoning requirement. A Cease & Desist Order was sent on July 24, 2012.

- 3443 Dixwell Avenue – Renting to more than three unrelated people. A Cease & Desist Order was sent on July 24, 2012.
- 231 Clintonville Lane – Motor vehicles over ¾ ton capacity in a residential zone. A Cease & Desist Order was sent on July 26, 2012.
- 156 State Street – Unapproved parking of trailers. A Cease & Desist Order was sent on August 2, 2012.
- 147 Blue Hills Road – Failure to comply with soil and erosion control measures. A Cease & Desist Order was sent on August 14, 2012.

**CORRESPONDENCE:** None

**MINUTES:**

July 19, 2012

Mr. Cappucci moved to approve the minutes of the July 19, 2012 meeting; Mr. O'Hare seconded the motion. The Board voted as follows:

Hannon – aye Cappucci – aye O'Hare – aye

**ADJOURN:**

There being no further business, Mr. Cappucci moved to adjourn; Mr. Clark seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:36 PM.